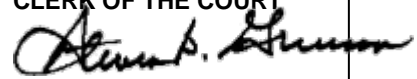


Exhibit “A”

Plaintiff's Complaint

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CASE NO: A-21-844817-C
Department 28

DISTRICT COURT**CLARK COUNTY, NEVADA**

SUSAN SPRADA; individually,

Plaintiff,

Case No.:
Dept. No.:

vs.

COMPLAINT

WAL-MART STORES, INC.; WALMART
INC. d/b/a WALMART #5259; WAL-MART
REAL ESTATE BUSINESS TRUST;
CORPORATION; DOES 1 through 100 and
ROE CORPORATIONS 1 through 100,
inclusive,

Defendants.

Plaintiff SUSAN SPRADA, by and through her attorneys of record, FARHAN R. NAQVI and PAUL G. ALBRIGHT of NAQVI INJURY LAW, alleges against Defendants WAL-MART STORES, INC.; WALMART INC. d/b/a WALMART #5259; WAL-MART REAL ESTATE BUSINESS TRUST, LLC, DOES 1 through 100 and ROE CORPORATIONS 1 through 100 (hereinafter collectively referred to as "Defendants") as follows:

///

///



PARTIES AND JURISDICTION

1. Plaintiff SUSAN SPRADA (hereinafter "Plaintiff") is and, at all times relevant herein, was a resident of the Clark County, Nevada.
2. Defendant WAL-MART STORES, INC., upon information and belief, is and, at all times relevant herein, was a foreign corporation licensed and conducting business in Clark County, Nevada.
3. Defendant WALMART INC. d/b/a WALMART #5259, upon information and belief, is and, at all times relevant herein, was a foreign corporation licensed and conducting business in Clark County, Nevada.
4. Defendant WAL-MART REAL ESTATE BUSINESS TRUST, upon information and belief, is and, at all times relevant herein, was a foreign business trust licensed and conducting business in Clark County, Nevada.
5. That the true names and capacities, whether individual, corporate, associates, co-partnership, or otherwise of Defendants DOES 1 through 100 and ROE CORPORATIONS 1 through 100, are unknown to Plaintiff who therefore sues said defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each of the defendants designated as DOES 1 through 100 and ROE CORPORATIONS 1 through 100 is responsible in some manner for the events and happenings referred to in this action and proximately caused damages to Plaintiff as herein alleged. The legal responsibility of said Defendant DOES 1 through 100 and ROE CORPORATIONS 1 through 100 arises out of, but is not limited to, their status as owners, maintainers, managers, operators, inspectors, controllers, entrustors, constructors, cleanors and/or installers of the subject premises and/or the area where the alleged incident occurred as described more fully below,



1 including, but not limited to, cleaning and/or maintenance companies and their employees
2 and/or agents, and/or their status as creators, owners, maintainers, managers, operators,
3 inspectors, controllers, entrustors, constructors, cleaners and/or installers of the subject
4 dangerous condition described below and/or objects concerning the subject dangerous
5 condition, and/or their agency, master/servant or joint venture relationship with the
6 otherwise responsible parties, including any other entities who are also responsible for the
7 events and claims asserted herein, such as parent and subsidiary companies affiliated with
8 the named or otherwise responsible entities. Moreover, upon information and belief,
9 Defendant DOES 1 through 100 and ROE CORPORATIONS 1 through 100 were involved
10 in the initiation, approval, support or execution of the wrongful/negligent acts upon which
11 this litigation is premised, or of similar actions against Plaintiff of which Plaintiff is
12 presently unaware. Plaintiff will ask leave of this Honorable Court to amend this
13 Complaint to insert the true names and capacities of said defendants and, when the same
14 have been ascertained, to join such defendants in this action together with the proper
15 charging allegations.
16
17
18

- 19 6. That at all times pertinent, Defendants were agents, principals, masters, servants,
20 employers, employees, representatives, joint venturers and/or were otherwise affiliated
21 with every other defendant or otherwise responsible individual/entity and, at all times
22 mentioned herein, were acting within the scope and course of said agency, employment,
23 representation, joint venture or other such relationship with knowledge, permission and
24 consent of all other named Defendants and/or otherwise responsible parties.
25
26 7. At all times relevant herein, Defendants' employees, representatives and/or authorized
27 agents contributed to and/or caused the circumstances resulting in the subject incident
28



1 described below, and said Defendants, employees, representatives and/or agents were
2 acting within the course and scope of such employment, representation and/or agency at
3 the time, thereby rendering Defendants liable for the negligent acts of said employees,
4 representatives and/or agents under the doctrine of vicarious liability/respondeat superior.
5 The true names and capacities of these employees, representatives and agents are presently
6 unknown to Plaintiff at this time, who therefore identifies said individuals by the collective
7 fictitious name of "DOE EMPLOYEES." When the true names and capacities of these
8 individuals are ascertained, Plaintiff will seek to amend this Complaint as necessary.
9

10 8. That the facts and circumstances that give rise to the subject lawsuit occurred in Clark
11 County, Nevada on the premises owned and/or controlled by Defendants located at 6151
12 W. Lake Mead Blvd., Las Vegas, Nevada 89108 (hereinafter the "Premises"), which, upon
13 information and belief, at all times mentioned herein, was owned, maintained, managed,
14 operated, and/or controlled by Defendants and/or that Defendants were otherwise
15 responsible for the carts involved in the subject incident, the area on the Premises where
16 the subject incident occurred, the subject dangerous condition that is described more fully
17 below, and/or are otherwise responsible for the subject incident and/or Plaintiff's resulting
18 damages.
19

20
21 9. This Court has jurisdiction over this matter as this is a civil action arising from an incident
22 that occurred within Clark County, Nevada, involves resident parties, and involves an
23 amount in controversy in excess of the sum of \$15,000.00, exclusive of costs and interest.
24

25 **GENERAL FACTUAL ALLEGATIONS**

26 10. That on December 4, 2019, Plaintiff was visiting the Premises when she slipped on a slick
27 substance located on the floor inside of the store, which, upon information and belief, was
28



1 insufficiently slip resistant, causing her to fall to the ground. It had been raining
2 throughout the day, and it's believed that rain water had accumulated on the insufficiently
3 slip resistant floor through a hole in the roof (the slick substance, insufficiently slip
4 resistant flooring and hole in the roof are hereinafter referred to as the "Dangerous
5 Condition"). The Dangerous Condition was at all times concealed to Plaintiff as there was
6 no sign or other warning of this Dangerous Condition and it was not detectable to her.
7 Plaintiff sustained traumatic injuries as a result of the fall.
8

9 11. That, upon information and belief, at all times mentioned herein, Defendants owned,
10 maintained, managed, operated, directed, constructed, installed, inspected, created,
11 controlled and/or were otherwise responsible for the Premises and/or the area where the
12 Dangerous Condition was located, and/or were otherwise responsible for the Dangerous
13 Condition, and/or were otherwise responsible for the subject incident and/or Plaintiff's
14 resulting damages.
15

16 12. That upon information and belief, Defendants, including DOE EMPLOYEES, knew or
17 reasonably should have known of the Dangerous Condition, and/or caused the Dangerous
18 Condition to exist.
19

20 13. That Defendants, including DOE EMPLOYEES, failed to adequately warn, caution, place
21 signs, or otherwise make safe the Dangerous Condition existing on or about the Premises.
22

23 14. That Defendants, including DOE EMPLOYEES, managing agents, executives, and
24 supervisors knew, or reasonably should have known that the flooring where the subject
25 incident occurred, was insufficiently slip resistant, and violated building codes and safety
26 codes, including those prescribed by the Uniform Building Code, International Building
27 Code, Clark County Administrative Code, Clark County Building Administrative Code,
28



1 and American Society for Testing and Materials. Defendants' knowledge arises from,
2 among other sources, prior slip and fall incidents occurring on other areas of the Premises
3 containing the same type of flooring, as well as their knowledge of the flooring material
4 and slip and fall incidents occurring at other addresses or locations that Defendants own,
5 manage, control, or are otherwise familiar with.
6

7 15. That upon information and belief, Defendants' employees, representatives and/or
8 authorized agents, including DOE EMPLOYEES, were in or around the Dangerous
9 Condition immediately prior to the subject incident, that DOE EMPLOYEES caused
10 and/or had actual and/or constructive notice of the Dangerous Condition.
11

12 16. That upon information and belief, Defendants, including DOE EMPLOYEES, knew,
13 reasonably should have known and/or caused the Dangerous Condition to exist.
14

15 17. That Defendants, including DOE EMPLOYEES, had a non-delegable duty to Plaintiff to
16 keep the Premises safe and, despite this, Defendants negligently, carelessly and/or
17 recklessly created, maintained and/or allowed the Dangerous Condition to exist.
18

19 18. That as a direct and proximate result of Defendants' negligence, Plaintiff sustained injuries
20 to, including, but not limited to, her ankle, back, bodily limbs, organs and systems, all or
21 some of which conditions may be permanent and disabling, and all to Plaintiff's damages
22 in a sum in excess of \$75,000.00.
23

24 19. That as a direct and proximate result of Defendants' negligence, Plaintiff received medical
25 and other treatment for the aforementioned injuries and that said services, care and
26 treatment shall continue into the future all to Plaintiff's damages in a sum in excess of
27 \$75,000.00.
28



1 20. That as a direct and proximate result of Defendants' negligence, Plaintiff has been required
2 to and has limited occupational and recreational activities, which has caused and shall
3 continue to cause loss of earning capacity, lost wages, physical impairment, mental
4 anguish, and loss of enjoyment of life in a presently unascertainable amount.

5 21. That as a direct and proximate result of Defendants' negligence, Plaintiff has been required
6 to engage the services of an attorney, incurring attorney's fees and costs to bring this
7 action.
8

9
10 **FIRST CAUSE OF ACTION**
(Negligence and Respondeat Superior)

11 22. Plaintiff incorporates paragraphs 1 through 21 of the Complaint as though said paragraphs
12 were fully set forth herein.

13 23. That Defendants, as the owners, maintainers, managers, operators, constructors, installers,
14 inspectors, creators, controllers and/or otherwise responsible parties of the Premises, owed
15 Plaintiff a duty of care to provide a safe environment, free from dangerous conditions.
16

17 24. That Defendants owed Plaintiff a duty of care to adequately maintain and inspect the
18 Premises to ensure that the Premises was free from dangerous conditions, and ensure the
19 performance thereof.
20

21 25. That Defendants owed Plaintiff a duty of care to warn Plaintiff of any non-obvious and
22 dangerous conditions on the Premises.

23 26. That Defendants knew or reasonably should have known that the Dangerous Condition
24 existed on the Premises.

25 27. That Defendants, at all times relevant herein, breached the aforementioned duties of care
26 by, among other things:
27
28



- a. Failing to provide Plaintiff with a safe environment, free from hazards that were or should have been recognized by Defendants;
- b. Failing to properly inspect the Dangerous Condition, which ultimately caused Plaintiff's injuries and damages;
- c. Creating, permitting and allowing the Dangerous Condition to remain for an unreasonable period of time despite actual and/or constructive notice;
- d. Failing to properly warn of the non-obvious Dangerous Condition;
- e. Failing to have adequate policies and procedures to prevent, detect and make safe dangerous conditions on the Premises; and
- f. Otherwise acting in a negligent and careless manner by failing to exercise the degree of care required under the circumstances.

28. Upon information and belief, at all times relevant herein, Defendants' employees, representatives and/or authorized agents, including DOE EMPLOYEES, contributed to and/or caused the circumstances resulting in the subject incident described above, and said employees, representatives and/or agents were acting within the course and scope of such employment, representation and/or agency at the time.

29. Upon information and belief, Defendants are liable for the subject negligent acts of their employees, representatives and/or agents, including DOE EMPLOYEES, and Plaintiff's resulting damages under the doctrine of vicarious liability/ respondeat superior.

30. That it was reasonably foreseeable that Defendants' breach of the aforementioned duties of care would cause injury to persons on the Premises, including Plaintiff.

31. That as a direct and proximate result of Defendants' negligence, Plaintiff received medical and other treatments for injuries sustained to his body, limbs, organs and/or systems, all or



1 some of which conditions may be permanent and disabling and all to Plaintiff's damage in
2 a sum in excess of \$75,000.00. That said services, care and treatment shall continue into
3 the future.

4 32. That as a direct and proximate result of Defendants' negligence, Plaintiff has been required
5 to and has limited occupational and recreational activities, which has caused and shall
6 continue to cause loss of earning capacity, lost wages, physical impairment, mental
7 anguish, and loss of enjoyment of life in a presently unascertainable amount.

8 33. That as a direct and proximate result of Defendants' negligence, Plaintiff has been required
9 to engage the services of an attorney, incurring attorney's fees and costs to bring this
10 action.
11

12
13 **SECOND CAUSE OF ACTION**
14 ***(Negligent Hiring)***

15 34. Plaintiff incorporates paragraphs 1 through 33 of the Complaint as though said
16 paragraphs were fully set forth herein.

17 35. Defendants owed Plaintiff several duties including, but not limited to, the following:

- 18 a. The duty to keep Plaintiff safe from the negligent acts of their employees, agents
19 and representatives;
20
21 b. The duty to provide and hire responsible employees, agents and representatives,
22 including implementing adequate policies and procedures therefor; and
23
24 c. The duty to conduct reasonable investigations into the backgrounds of their
25 employees, agents and representatives.

26 36. Upon information and belief, Defendants breached these duties by, among other things:

- 27 a. Hiring individuals, including DOE EMPLOYEES, who were not qualified and/or
28 competent for their positions;



- 1 b. Failing to conduct a reasonable and thorough investigation into the personal
2 background and employment history of their employees, agents and
3 representatives, including DOE EMPLOYEES;
4 c. Failing to implement adequate policies and/or procedures for hiring employees,
5 agents and representatives, including DOE EMPLOYEES; and/or
6 d. Failing to adequately train their employees, agents and representatives, including
7 DOE EMPLOYEES.
8

9 37. That as a direct and proximate result of Defendants' negligence, Plaintiff has been
10 damaged in an amount in excess of \$75,000.00.

11 38. That as a direct and proximate result of Defendants' negligence, Plaintiff has been
12 required to engage the services of an attorney, incurring attorney's fees and costs to bring
13 this action.
14

15 **THIRD CAUSE OF ACTION**
16 ***(Negligent Training and Supervision)***

17 39. Plaintiff incorporates paragraphs 1 through 38 of the Complaint as though said
18 paragraphs were fully set forth herein.

19 40. Defendants owed Plaintiff the duty to exercise reasonable care in the training and
20 supervision of any and all employees, agents and representatives including DOE
21 EMPLOYEES.
22

23 41. This duty required Defendants to train and supervise employees, agents and
24 representatives, including DOE EMPLOYEES, to ensure that these employees, agents
25 and representatives acted without negligence.
26

27 42. Upon information and belief, Defendants breached this duty when they failed to properly
28 train and supervise employees, agents and representatives, including DOE



1 EMPLOYEES, whose negligence caused injury to Plaintiff as alleged herein, including,
2 but not limited to, training and supervision regarding the eradication, prevention,
3 detection, and warning of dangerous conditions, including the subject Dangerous
4 Condition and those similar thereto.

5 43. If Defendants had properly trained and supervised their employees, agents and
6 representatives, including DOE EMPLOYEES, this negligence would not have occurred.

7 44. That as a direct and proximate result of Defendants' negligence, Plaintiff has been
8 damaged in an amount in excess of \$75,000.00.

9 45. That as a direct and proximate result of Defendants' negligence, Plaintiff has been
10 required to engage the services of an attorney, incurring attorney's fees and costs to bring
11 this action.
12

13
14 **FOURTH CAUSE OF ACTION**
15 ***(Negligent Retention)***

16 46. Plaintiff incorporates paragraphs 1 through 45 of the Complaint as though said
17 paragraphs were fully set forth herein.

18 47. Defendants owed Plaintiff the duty to exercise reasonable care in the retention of
19 employees, agents and representatives, including DOE EMPLOYEES.

20 48. Upon information and belief, Defendants breached this duty when they negligently
21 retained employees, agents and representatives, including DOE EMPLOYEES, even
22 though they knew, or should have known, that these employees, agents and
23 representatives lacked the qualifications and/or competence for their position.

24 49. That as a direct and proximate result of Defendants' negligence, Plaintiff has been
25 damaged in an amount in excess of \$75,000.00.
26
27
28



1 50. That as a direct and proximate result of Defendants' negligence, Plaintiff has been
2 required to engage the services of an attorney, incurring attorney's fees and costs to bring
3 this action.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff SUSAN SPRADA, expressly reserving the right to amend this
6 Complaint prior to or at the time of trial of this action to insert those items of damage not yet fully
7 ascertainable, prays for judgment against all Defendants, and each of them, as follows:
8

- 9 1. For general damages sustained by Plaintiff in an amount in excess of \$75,000.00;
10 2. For special damages sustained by Plaintiff in an amount in excess of \$75,000.00;
11 3. For reasonable attorney's fees and costs;
12 4. For interest at the statutory rate; and
13 5. For such other relief as the Court deems just and proper.
14

15 NAQVI INJURY LAW
16

17 By: /s/ Paul G. Albright
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